

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Toshimasa Kobayashi, et al. ATTY. DOCKET NO. 09794353-0033

SERIAL NO. 10/813,528 GROUP ART UNIT: 2812

DATE FILED: March 30, 2004 EXAMINER: S. Mulpuri

INVENTION: "METHOD OF MANUFACTURING A SEMICONDUCTOR LIGHT EMITTING DEVICE, SEMICONDUCTOR LIGHT EMITTING DEVICE, METHOD OF MANUFACTURING A SEMICONDUCTOR DEVICE, SEMICONDUCTOR DEVICE, METHOD OF MANUFACTURING A DEVICE, AND DEVICE"

SUPPLEMENTAL AMENDMENT "D"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

This Supplemental Amendment D supplements the Amendment D filed on September 10, 2007, in response to the non-final Office Action of March 8, 2007. As mentioned in Amendment D, Applicants herewith submit a certified copy of Japanese application no. 2001-315705 and an Affidavit under 37 CFR §1.131.

REMARKS

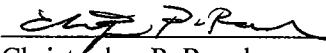
Applicants' present application was filed in the U.S. on March 30, 2004. The present application and JP 2001-315705 share the same inventors. The subject matter claimed in claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 of the present application was disclosed in JP 2001-315705, which was filed in Japan on October 12, 2001. Therefore, the subject matter of claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 was conceived and constructively reduced to practice at least as early October 12, 2001, which is the filing date of JP 2001-315705. This is before Motoki '830's earliest effective U.S. filing date of October 8, 2002.

Accordingly, *Motoki* cannot be properly cited as a 35 U.S.C. §102 reference against the present patent application, and therefore the Applicant respectfully requests that the respective rejection be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

 (Reg. No. 45,034)
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